

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TAWANA TERRELL JOHNSON

PETITIONER

V.

NO. 3:21-CV-166-DMB-JMV

WARDEN WENDELL BANKS, et al.

RESPONDENTS

ORDER

On June 29, 2022, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation (“R&R”) recommending that the State’s motion to dismiss Tawana Terrell Johnson’s pro se petition for a writ of habeas corpus be granted and that the petition be dismissed with prejudice as untimely and as procedurally defaulted. Doc. #14. On July 15, 2022, in the absence of objections to the R&R, the Court adopted the R&R, granted the State’s motion to dismiss, dismissed Johnson’s petition with prejudice, and entered a final judgment accordingly. Docs. #15, #16. By order issued November 29, 2022, based on a motion by Johnson representing that she did not receive a copy of the R&R, the Court vacated its July 15 order and judgment, and advised Johnson that she “must acknowledge receipt of both the R&R and this order within fourteen (14) days” and “may file any objections to the R&R within twenty-one (21) days.” Johnson has done neither and the time within which to do so has passed.

The Court has again reviewed the R&R and again found no plain error on the face of the record.¹ Accordingly, the R&R [14] is **ADOPTED** as the order of the Court, the State’s motion to dismiss [11] is **GRANTED**, and Johnson’s petition for a writ of habeas corpus [1], as amended [3], is **DISMISSED** with prejudice.

¹ As acknowledged in the July 15 order, “[w]ith respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” See Doc. #15 at 2 (citations omitted).

SO ORDERED, this 4th day of January, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE